



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROSARIO HERNANDEZ
MAGCALAS,

Defendant.

CR No. CR 18-407-FMO

ORDER [OF DETENTION]
[SETTING CONDITIONS OF
RELEASE] AFTER HEARING
(18 U.S.C. § 3148(b): (Allegations of
Violation of Pretrial Conditions of
Release))

A.

On motion of the Government involving an alleged violation of conditions
of pretrial release, and a warrant for arrest,

B.

The Court finds there is:

(1)

- (A) () Probable cause to believe that the defendant has committed a
Federal, State or local crime while on ^{pretrial} release and/or 18 U.S.C. § 152(3)
- (B) () Clear and convincing evidence that the defendant has violated any
other condition of release; and

- 1 (2) (A) () Based on the factors set forth in 18 U.S.C. § 3142(g), there is no
2 condition or combination of conditions of release that will assure
3 that the defendant will not flee or pose a danger to the safety or
4 any other person or the community; or
5 (B) (✓) The defendant is unlikely to abide by any condition or
6 combination of conditions of release.
7 (3) (✓) There is probable cause to believe that, while on release,
8 the defendant committed a Federal, State, or local felony,
9 and the presumption that no condition or combination of
10 conditions will assure that the person will not pose a
11 danger to the safety of any other person or the
12 community has not been rebutted.

13 OR

- 14 (4) () The court finds that there are conditions of release that
15 will assure that the defendant will not flee or pose a
16 danger to the safety of any other person or the community,
17 and that the defendant will abide by such conditions.

18 See separate Order setting conditions.

- 19 () It is further ordered that this order is stayed for 72 hours in
20 order to allow the Government to seek review from the
21 assigned district judge or criminal duty district judge as
22 appropriate.

23 OR

24 C.

- 25 (✓) IT IS ORDERED defendant be detained ~~prior to trial.~~ *pending sentencing.*

26
27 DATED: February 20, 2020

28 *Alicia G. Rosenberg*
ALICIA G. ROSENBERG
United States Magistrate Judge